

EXHIBIT 3

RETURN OF SERVICE

**UNITED STATES DISTRICT COURT
SOUTHERN District of New York**

Index Number: 10-CIV-9564

Date Filed: _____

Plaintiff:
OVERNIGHT, LLC.

vs.

Defendant:
AARON KAUFMAN

For:
VANDERBERG & FELIU, LLP
60 E. 42nd Street
51st. Floor
New York, NY 10165

Received by EXCLUSIVE PROCESS on the 14th day of January, 2011 at 10:40 am to be served on **AARON KAUFMAN, TROUBLE MAKER STUDIOS, LP, 4900 OLD MANOR ROAD, AUSTIN, TX 78723**

I, Tom Kroll, do hereby affirm that on the **21st day of January, 2011 at 3:00 pm**, I:

SUBSTITUTE - BUSINESS OFFICE: served by delivering a true copy of the **SUMMONS AND COMPLAINT, EXHIBITS "1-12;" RULE 7.1 STATEMENT; CIVIL COVER SHEET; INDIVIDUAL PRACTICES OF JUDGE BARBARA S. JONES; INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE MAAS, ELECTRONIC CASE FILING RULES AND INSTRUCTIONS**, with the date and hour of service endorsed thereon by me, to: **LONNIE EDWARDS** as **SECURITY/CONCIERGE**, a person employed therein and authorized to accept service for **AARON KAUFMAN** at the address of: **TROUBLE MAKER STUDIOS, LP, 4900 OLD MANOR ROAD, AUSTIN, TX 78723** the within named person's usual place of business, in compliance with State Statutes.

I certify that I am over the age of 18, have no interest in the above action, and am a certified process server, in good standing, in the Judicial Circuit in which the process was served.



Tom Kroll

Process Server

EXCLUSIVE PROCESS
160 Broadway
Suite 603
New York, NY 10038

Our Job Serial Number: ABC-2011000206

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OVERNIGHT, LLC,	Plaintiff,	X
-against-		
AARON KAUFMAN,	Defendant.	X

Civil Action No.: 10 CIV 9564 (JONES)

AFFIDAVIT OF ATTEMPTED SERVICE

STATE OF NEW YORK)
)
 ss.:
COUNTY OF NEW YORK)

DARREN HINDS, being duly sworn, deposes and says:

1. That I am not a party to this action, am over eighteen years of age and reside in the State of New Jersey;
2. That on December 23, 2010, at approximately 9:00 p.m., upon my first attempt to serve by hand, by personally delivering to and leaving with, a true and correct copy of the foregoing documents: **SUMMONS IN A CIVIL ACTION, COMPLAINT along with Exhibits "1-12", CIVIL COVER SHEET, RULE 7.1 STATEMENT, Individual Practices of Judge Barbara S. Jones, Individual Practices of Magistrate Judge Maas and Electronic Case Filing Rules & Instructions**, all upon **AARON KAUFMAN (an individual)**, by Personal Delivery, by visiting the last known place of residence of Mr. Aaron Kaufman located at 105 Russell Avenue, Edgewater New Jersey 07020. Deponent observed a gated community equip with an electronic bell and camera at the front gate. Deponent input the name Aaron Kaufman and rang the bell associated with said name but received no answer. Due to the above named circumstances deponent was unable to effect service.
3. That on December 24, 2010, at approximately 5:19 p.m., upon my second attempt to serve by hand, by personally delivering to and leaving with, a true and correct copy of the above named documents all upon **AARON KAUFMAN (an individual)**, by Personal Delivery, by visiting the last known place of residence of Mr. Aaron Kaufman located at 105 Russell Avenue, Edgewater New Jersey 07020. Deponent rang the bell associated with Aaron Kaufman but received no answer. Deponent also made telephone calls to a number provided to us by the client but only received a generic voice mail box. Due to the above named circumstances deponent was unable to effect service.
4. That on December 28, 2010, at approximately 8:39 p.m., upon my third attempt to serve by hand, by personally delivering to and leaving with, a true and correct copy of the above named documents all upon **AARON KAUFMAN (an individual)**, by Personal Delivery, by visiting the last known place of residence of Mr. Aaron Kaufman located at 105 Russell Avenue, Edgewater New Jersey 07020. Deponent rang the bell associated with Aaron Kaufman and a female answered but refused to identify herself upon inquiry and would only say that "Aaron Kaufman was not at home" before hanging up the intercom. Deponent also made telephone calls to a number provided to us by the client but only received a generic voice mail box. Due to the above named circumstances deponent was unable to effect service.
5. That on December 29, 2010, at approximately 10:23 p.m., upon my fourth attempt to serve by hand, by personally delivering to and leaving with, a true and correct copy of the above named documents all upon **AARON KAUFMAN (an individual)**, by Personal Delivery, by visiting the last known place of residence of Mr. Aaron Kaufman located at 105 Russell Avenue, Edgewater New Jersey 07020. Deponent rang the bell associated with Aaron Kaufman but received no answer. Deponent also made telephone calls to a number provided to us by the client but only received a generic voice mail box. Due to the above named circumstances deponent was unable to effect service.

6. On January 25, 2011, I deposited in a United States Post Office within New York State, via Regular First Class Mail, a true copy of the abovementioned documents, properly enclosed and sealed in a post-paid envelope bearing the legend 'Personal and Confidential'. The envelope did not indicate on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action commenced against the person served, and was addressed to AARON KAUFMAN AT 105 RUSSELL AVENUE, EDGEWATER NEW JERSEY 07020.

Dated: January 25, 2011
New York, New York



DARREN HINDS
License No.: 1194970

Sworn to before me on this the 25th day of January 2011.



NOTARY PUBLIC

RONALD GUEST
Notary Public, State of New York
No. 01GU6204963
Qualified in New York County
Commission Expires April 27, 2013

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):

Ref. No. or File No.

NONE GIVEN

ATTORNEY FOR (Name):

Insert name of court, judicial district or branch court, if any:

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

, NY

PLAINTIFF/PETITIONER:

OVERNIGHT LLC

DEFENDANT/RESPONDENT:

KAUFMAN**PROOF OF SERVICE**

DATE:

TIME:

DEPT/DIV:

CASE NUMBER:

10CIV9564

1. At the time of service I was at least 18 years of age and not a party to this action, and I served copies of the following:

SUMMONS & COMPLAINT; CIVIL CASE COVER SHEET; RULE 7.1 STATEMENT AND INDIVIDUAL JUDGES RULES

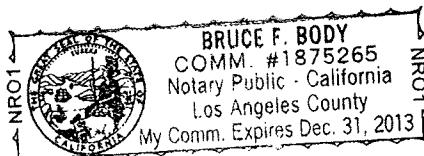
2. a. Party served: **AARON KAUFAM**b. Person served: **party in item 2a.**c. Address: **6464 SUNSET BLVD, SUITE 800
LOS ANGELES, CA 90028**3. I served the party named in item 2
b. by leaving the copies with or in the presence of: **KATE TREFRY - PERSON IN CHARGE****PHYSICAL DESCRIPTION OF PERSON SERVED:**Age: 28 Weight: 130 Hair: BROWN
Sex: F Height: 5'3" Eyes: BROWN

Race: CAUCASIAN

Marks:

(1) (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person served. I informed him/her of the general nature of the papers.
 (3) on (date): **January 19, 2011** (4) at (time): **10:47 am**
 (5) A declaration of diligence is attached.
 d. by causing copies to be mailed. A declaration of mailing is attached.

Sworn to and subscribed before me

this 21st day of Jan., 2011.

5. Person serving (name, address, and telephone number):

**R. HALL
EXCLUSIVE PROCESS SERVICE CORP
160 BROADWAY
NEW YORK, NY 10038
(212) 608-1555**

- a. Fee for service:
- d. Registered California process server.
 - (1) Employee or independent contractor
 - (2) Registration No.: **5181**
 - (3) County: **LOS ANGELES**

6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **January 21, 2011**

A handwritten signature in black ink, appearing to read "R. HALL".

PROOF OF SERVICE

Code Civ. Proc. §417.10(f)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):

FOR COURT USE ONLY

Ref. No. or File No

NONE GIVEN

ATTORNEY FOR (Name):

Insert name of court, judicial district or branch court, if any:

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

, NY

PLAINTIFF:

OVERNIGHT LLC

DEFENDANT:

KAUFMAN**DECLARATION
RE: DILIGENCE**

DATE:

TIME:

DEPT/DIV:

CASE NUMBER:

10CIV9564

I received the within process on January 14, 2011 and that after due and diligent effort I have been unable to personally serve said party. The following itemization of the dates and times of attempts details the efforts made to effect personal service. Additional costs for diligence are recoverable under CCP §1033.5 (a)(4)(B).

Party Served: **AARON KAUFMAN**Residence: **Residence address was not known at the time of service.**Business: **6464 SUNSET BLVD, SUITE 800, LOS ANGELES, CA 90028**

As enumerated below:

**January 14, 2011 04:34 pm
NOT IN (BUSINESS) .****January 18, 2011 10:10 am
NOT IN (BUSINESS) .****January 18, 2011 04:59 pm
NOT IN (BUSINESS) .****January 19, 2011 10:46 am
NOT IN (BUSINESS) PER KATE TREFRY, PERSON IN CHARGE.****January 19, 2011 10:47 am
SUBSTITUTED SERVICE. RECIPIENT INSTRUCTED TO DELIVER DOCUMENTS TO DEFENDANT AS NAMED.**

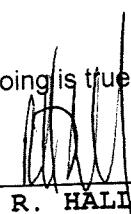
Person serving (name, address, and telephone number):

**R. HALL
EXCLUSIVE PROCESS SERVICE CORP
160 BROADWAY
NEW YORK, NY 10038
(212) 608-1555**

Fee for service:

Registered California process server.
Employee or independent contractor
Registration No.: 5181
County: LOS ANGELES

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **January 21, 2011**

Code Civ. Proc., §417.10(f)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and address)

TELEPHONE NO.

FOR COURT USE ONLY

ATTORNEY FOR (Name):

Ref. No. or File No.

NONE GIVEN

Insert name of court, judicial district or branch court, if any:

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

, NY

PLAINTIFF/PETITIONER:

OVERNIGHT LLC

DEFENDANT/RESPONDENT:

KAUFMAN**PROOF OF SERVICE BY MAIL**

DATE:

TIME:

DEPT/DIV:

CASE NUMBER:

10CIV9564

I am a citizen of the United States and employed in the County of LOS ANGELES, State of California. I am over the age of 18 and not a party to the within action. My business address is 11100 SEPULVEDA BLVD., SUITE 530, LOS ANGELES, CA 91345.

On January 21, 2011, after substituted service under section CCP 415.20(a) or 415.20(b) or FRCIV.P 4(d)(1) was made, I mailed copies of the:

SUMMONS & COMPLAINT; CIVIL CASE COVER SHEET; RULE 7.1 STATEMENT AND INDIVIDUAL JUDGES RULES

to the defendant in said action by placing a true copy thereof enclosed in a sealed envelope, with First Class postage thereon fully prepaid, in the United States Mail at LOS ANGELES, California, addressed as follows:

**AARON KAUFAM
6464 SUNSET BLVD., SUITE 800
LOS ANGELES, CA 90028**

I am readily familiar with the firm's practice for collection and processing of documents for mailing. Under that practice, it would be deposited within the United States Postal Service, on that same day, with postage thereon fully prepaid at LOS ANGELES, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

Person serving (name, address, and telephone number):

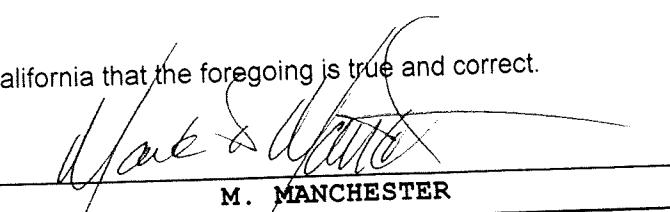
**M. MANCHESTER
EXCLUSIVE PROCESS SERVICE CORP
160 BROADWAY
NEW YORK, NY 10038
(212) 608-1555**

Fee for service:

Registered California process server.
Employee or independent contractor
Registration No.: 6182
County: LOS ANGELES

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **January 21, 2011**



M. MANCHESTER

PROOF OF SERVICE BY MAIL

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)

FOR COURT USE ONLY

Ref. No. or File No.

NONE GIVEN

ATTORNEY FOR (Name):

Insert name of court, judicial district or branch court, if any:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

, NY

PLAINTIFF/PETITIONER:

OVERNIGHT LLC

DEFENDANT/RESPONDENT:

KAUFMAN

PROOF OF SERVICE

DATE:

TIME:

DEPT/DIV:

CASE NUMBER:

10CIV9564

1. At the time of service I was at least 18 years of age and not a party to this action, and I **served copies** of the following:
SUMMONS & COMPLAINT; CIVIL CASE COVER SHEET; RULE 7.1 STATEMENT AND INDIVIDUAL JUDGES RULES

2. a. Party served: **AARON KAUFAM**

b. Person served: **party in item 2a.**

c. Address: **9601 JEFFERSON BLVD, SUITE A
(Business) CULVER CITY, CA 90232**

3. I served the party named in item 2
b. **by leaving** the copies with or in the presence of: **STEPHANIE "DOE" - REFUSED LAST NAME - PERSON IN CHARGE**

PHYSICAL DESCRIPTION OF PERSON SERVED:

**Age: 30 Weight: 120 Hair: BLACK Race: ASIAN
Sex: F Height: 5-5 Eyes: BROWN**

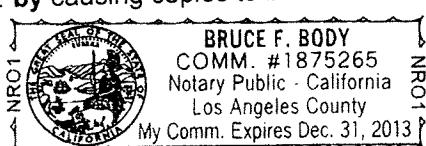
Marks:

(1) **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person served. I informed him/her of the general nature of the papers.

(3) on (date): **January 21, 2011** (4) at (time): **09:05 am**

(5) **A declaration of diligence** is attached.

d. **by causing** copies to be mailed. A declaration of mailing is attached.



Sworn to and subscribed before me

this 21st day of Jan, 2011.

5. **Person serving** (name, address, and telephone number):

**R. LUSTIG
EXCLUSIVE PROCESS SERVICE CORP
160 BROADWAY
NEW YORK, NY 10038
(212) 608-1555**

a. **Fee for service:**
d. Registered California process server.
(1) Employee or independent contractor
(2) Registration No.: 6373
(3) County: LOS ANGELES

6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

R. LUSTIG

Date: **January 21, 2011**

PROOF OF SERVICE

Code Civ. Proc., §417.10(f)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address):

TELEPHONE NO. FOR YOUR USE ONLY

Ref. No. or File No.

NONE GIVEN

ATTORNEY FOR (Name):

Insert name of court, judicial district or branch court, if any:

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

, NY

PLAINTIFF:

OVERNIGHT LLC

DEFENDANT:

KAUFMAN

DECLARATION RE: DILIGENCE	DATE:	TIME:	DEPT/DIV:	CASE NUMBER:
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10CIV9564

I received the within process on January 14, 2011 and that after due and diligent effort I have been unable to personally serve said party. The following itemization of the dates and times of attempts details the efforts made to effect personal service. Additional costs for diligence are recoverable under CCP §1033.5 (a)(4)(B).

Party Served: **AARON KAUFMAN**Residence: **Residence address was not known at the time of service.**Business: **9601 JEFFERSON BLVD, SUITE A, CULVER CITY, CA 90232**

As enumerated below:

January 19, 2011 03:50 pm
BAD ADDRESS (BUSINESS): 9601 JEFFERSON BLVD, SUITE A, CULVER CITY, CA 90232.
 SUBJECT DOES NOT WORK OUT OF THIS OFFICE PER MANAGER, DID NOT WANT TO GIVE CORRECT ADDRESS WHERE SUBJECT WORKS. OVER HEARD MANAGER GIVE ADDRESS TO AN EMPLOYEE.

January 20, 2011 11:28 am
GIVEN ADDRESS HAS BEEN VERIFIED PER JENIQUE, SUB-SERVE IF NECESSARY.

January 21, 2011 09:04 am
NOT IN (BUSINESS) PER STEPHANIE "DOE" (REFUSED LAST NAME), PERSON IN CHARGE.

January 21, 2011 09:05 am
SUBSTITUTED SERVICE. RECIPIENT INSTRUCTED TO DELIVER DOCUMENTS TO DEFENDANT AS NAMED.

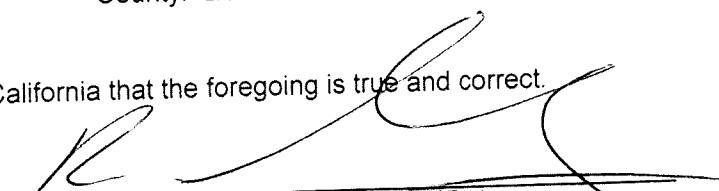
Person serving (name, address, and telephone number):

**R. LUSTIG
EXCLUSIVE PROCESS SERVICE CORP
160 BROADWAY
NEW YORK, NY 10038
(212) 608-1555**

Fee for service:

Registered California process server.
 Employee or independent contractor
 Registration No.: 6373
 County: LOS ANGELES

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **January 21, 2011**
R. LUSTIG

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and address)

TELEPHONE NO.

FOR COURT USE ONLY

ATTORNEY FOR (Name):

Ref. No. or File No.

NONE GIVEN

Insert name of court, judicial district or branch court, if any:

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

, NY

PLAINTIFF/PETITIONER

OVERNIGHT LLC

DEFENDANT/RESPONDENT:

KAUFMAN**PROOF OF SERVICE BY MAIL**

DATE:

TIME:

DEPT/DIV:

CASE NUMBER:

10CIV9564

I am a citizen of the United States and employed in the County of LOS ANGELES, State of California. I am over the age of 18 and not a party to the within action. My business address is 11100 SEPULVEDA BLVD., SUITE 530, LOS ANGELES, CA 91345.

On January 21, 2011, after substituted service under section CCP 415.20(a) or 415.20(b) or FRCIV.P 4(d)(1) was made, I mailed copies of the:

SUMMONS & COMPLAINT; CIVIL CASE COVER SHEET; RULE 7.1 STATEMENT AND INDIVIDUAL JUDGES RULES

to the defendant in said action by placing a true copy thereof enclosed in a sealed envelope, with First Class postage thereon fully prepaid, in the United States Mail at LOS ANGELES, California, addressed as follows:

**AARON KAUFAM
9601 JEFFERSON BLVD., SUITE A
CULVER CITY, CA 90232**

I am readily familiar with the firm's practice for collection and processing of documents for mailing. Under that practice, it would be deposited within the United States Postal Service, on that same day, with postage thereon fully prepaid at LOS ANGELES, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

Person serving (name, address, and telephone number):

**M. MANCHESTER
EXCLUSIVE PROCESS SERVICE CORP
160 BROADWAY
NEW YORK, NY 10038
(212) 608-1555**

Fee for service:

Registered California process server.
Employee or independent contractor
Registration No.: 6182
County: LOS ANGELES

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **January 21, 2011**

M. MANCHESTER

PROOF OF SERVICE BY MAIL